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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/570,617	01/17/2007	Tetsujiro Kondo	286439US6PCT	9553
22850 7590 11/16/2009 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER NORTON, JENNIFER L				
ART UNIT 2121		PAPER NUMBER		
NOTIFICATION DATE 11/16/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/570,617

Applicant(s)

KONDO, TETSUJIRO

Examiner

JENNIFER L. NORTON

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-8, 10, 13, 14, 16-23, 25, 26 and 29-34 is/are pending in the application.
- 4a) Of the above claim(s) 5-8, 10, 13, 14 and 16-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 26 and 29-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is a **Final Office Action** in response to the Amendment received on 02 July 2009. Claims 1, 3, 4, 26 and 29 been amended. Claims 30-34 are newly added. Claims 5-8, 10, 13, 14 and 16-23 have been withdrawn from consideration. Claims 2, 9, 11, 12, 15, 24, 27 and 28 have been cancelled. Claims 1, 3-8, 10, 14, 16-23, 25, 26 and 29 are pending in this application. Claims 1, 3, 4, 26 and 29 have been examined on their merits.

Response to Arguments

2. Applicant's arguments, see Remarks pgs. 11-12, filed 02 July 2009 with respect to claims 1, 3, 4, 26 and 29 under 35 U.S.C. 102 (b) have been considered but are moot in view of the new ground(s) of rejection.

35 U.S.C 112, 6th Paragraph

3. The claimed limitations of claims 1 and 29 have been treated under 35 U.S.C. 112, sixth paragraph.

Claim Objections

4. Claims 1, 26 and 29 are objected to because of the following informalities:

Claim 1, lines 8; claim 26, line 8 and claim 29, line 7 contains the syntax error, "said building_x or control power". Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The amendment to the Claims was received on 02 July 2009. The correction is acceptable and the rejection to claim 1, 3, 26 and 29 are withdrawn.

Claim Rejections - 35 USC § 101

6. Applicant's arguments, see Remarks pgs. 9-10, filed 02 July 2009 with respect to claim 29 under 35 U.S.C. 101 have been fully considered and are persuasive. The rejection of claim 29 has been withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3, 4, 26 and 29-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,586,254 (hereinafter Kondo) in view of U.S. Patent No. 4,418,333 (hereinafter Schwarzbach).

8. As per claim 1, Kondo teaches a control device (Fig. 1a, element 102) for controlling components of a building (col. 18, lines 20-34, col. 19, lines 4-6, col. 27, lines 63-67 and col. 28, lines 1-5), comprising:

control means (Fig. 1a, element 103) for changing a configuration of at least one component configuration (col. 26, lines 45-58 and col. 28, lines 6-14; i.e. changing the color, flashing on or off, displaying in enlarged manner, changing display symbols) of components making up said building (col. 18, lines 20-34); and

acquiring means for acquiring status information (col. 26, lines 4-52),

wherein, based on said status information acquired by said acquiring means, said control means deforms (i.e. changing display symbols) a shape of a shape-variable member disposed in said building (col. 26, lines 45-58 and col. 28, lines 6-14).

Kondo does not expressly teach said control means physically deforms a shape of a shape-variable member disposed in said building, or control power supply to an electric socket disposed in said building to physically change said configuration.

Schwarzbach teaches to controlling (via Fig. 1, element 30; i.e. central control unit) power supply to an electric socket (Fig. 1, element 25; i.e. outlet sockets) disposed in said building to physically change said configuration (col. 2, lines 44-65, col. 3, lines 59-68, col. 4, lines 1-8 and col. 11, lines 5-10; e.g. the central control unit controls light intensity of a remote lamp via controlling power levels to an electrical outlet socket).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Kondo to include controlling

power supply to an electric socket disposed in said building to physically change said configuration to provide a medium for communication for remote control between a central control unit and a plurality of remote units (col. 1, lines 8-13 and col. 2, lines 10-13).

9. As per claim 3, Kondo teaches as set forth above said status information is information indicating the status illumination in said component (col. 30, lines 29-61).

10. As per claim 4, Kondo teaches as set forth above a status information storing means (Fig. 1i, element 900) which stores a list (Fig. 11, element 903) relating to said status information (col. 20, lines 10-19, col. 26, lines 52-58 and col. 27, lines 43-54).

11. As per claim 26, Kondo teaches a control method of a control device (Fig. 1a, element 102) for controlling components of a building (col. 18, lines 20-34, col. 19, lines 4-6, col. 27, lines 63-67 and col. 28, lines 1-5) including the steps of :

changing a configuration of at least one component (col. 26, lines 45-58 and col. 28, lines 6-14; i.e. changing the color, flashing on or off, displaying in enlarged manner, changing display symbols) of components making up said building (col. 18, lines 20-34); and
acquiring status information (col. 26, lines 4-52);

wherein, based on said status information acquired during the acquiring step, processing in said changing steps deforms (i.e. changing display symbols) a shape of a shape-variable member disposed in said building (col. 26, lines 45-58 and col. 28, lines 6-14).

Kondo does not expressly teach processing in said changing step physically deforms a shape of a shape-variable member disposed in said building, or control power supply to an electric socket disposed in said building to physically change said configuration.

Schwarzbach teaches to controlling (via Fig. 1, element 30; i.e. central control unit) power supply to an electric socket (Fig. 1, element 25; i.e. outlet sockets) disposed in said building to physically change said configuration (col. 2, lines 44-65, col. 3, lines 59-68, col. 4, lines 1-8 and col. 11, lines 5-10; e.g. the central control unit controls light intensity of a remote lamp via controlling power levels to an electrical outlet socket).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Kondo to include controlling power supply to an electric socket disposed in said building to physically change said configuration to provide a medium for communication for remote control between a central control unit and a plurality of remote units (col. 1, lines 8-13 and col. 2, lines 10-13).

12. As per claim 29, Kondo teaches a building (col. 19, lines 4-6, col. 27, lines 63-67 and col. 28, lines 1-5) comprising:

control means (Fig. 1a, element 103) for changing a configuration of at least one component (col. 26, lines 45-58 and col. 28, lines 6-14; i.e. changing the color, flashing on or off, displaying in enlarged manner, changing display symbols) of components making up said building (col. 18, lines 20-34); and

acquiring means for acquiring status information (col. 26, lines 4-52); wherein, based on said status information acquired by said acquiring means, said control means deforms (i.e. changing display symbols) a shape of a shape-variable member disposed in said building (col. 26, lines 45-58 and col. 28, lines 6-14).

Kondo does not expressly teach said control means physically deforms a shape of a shape-variable member disposed in said building, or control power supply to an electric socket disposed in said building to physically change said configuration.

Schwarzbach teaches to controlling (via Fig. 1, element 30; i.e. central control unit) power supply to an electric socket (Fig. 1, element 25; i.e. outlet sockets) disposed in said building to physically change said configuration (col. 2, lines 44-65, col. 3, lines 59-68, col. 4, lines 1-8 and col. 11, lines 5-10; e.g. the central control unit controls light intensity of a remote lamp via controlling power levels to an electrical outlet socket).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Kondo to include controlling power supply to an electric socket disposed in said building to physically change said configuration to provide a medium for communication for remote control between a central control unit and a plurality of remote units (col. 1, lines 8-13 and col. 2, lines 10-13).

13. As per claim 30, Kondo teaches as set forth above the control device according to claim 1, wherein, based on said status information acquired by said acquiring means, said control means displays images on an inner portion of said building to visually change said configuration (col. 26, lines 45-58 and col. 28, lines 6-14; i.e. changing the color, flashing on or off, displaying in enlarged manner).

14. As per claim 31, Kondo teaches as set forth above based on said status information acquired during the acquiring step, processing in said changing step displays images on an inner portion of said building to visually change said configuration (col. 26, lines 45-58 and col. 28, lines 6-14; i.e. changing the color, flashing on or off, displaying in enlarged manner).

15. As per claim 32, Kondo teaches as set forth above based on said status information acquired by said acquiring means, said control means displays images on

an inner portion of said building to visually change said configuration (col. 26, lines 45-58 and col. 28, lines 6-14; i.e. changing the color, flashing on or off, displaying in enlarged manner).

16. As per claim 33, Kondo teaches as set forth above said status information includes information indicating illumination in said component (col. 30, lines 29-61).

17. As per claim 34, Kondo teaches as set forth above status information storing means (Fig. 1i, element 900) for storing a list (Fig. 11, element 903) relating to said status information (col. 20, lines 10-19, col. 26, lines 52-58 and col. 27, lines 43-54).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENNIFER L. NORTON whose telephone number is (571)272-3694. The examiner can normally be reached on Monday-Friday between 9:00 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on 571-272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Supervisory Patent Examiner
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/JLN/